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6 UNITED STATES DISTRICT COURT

7 DISTRICT OF NEVADA

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9 UNION PACIFIC RAILROAD COMPANY,
10 a Delaware corporation,

Case No. 3:17-cv-00477-LRH-CLB

11 Plaintiff,

ORDER

12 v.

13 WINECUP RANCH, LLC, an Idaho Limited
14 Liability Company; and WINECUP
GAMBLE, INC., a Nevada corporation; and
PAUL FIREMAN, an individual,

15 Defendants,
16

17 On June 8, 2020, the court granted Union Pacific Railroad Company's ("Union Pacific")
18 motion for leave to file two replies to three of its motions in limine. ECF No. 177. In part, this was
19 granted because Winecup Ranch, LLC, Winecup Gamble, Inc., and Paul Fireman (collectively
20 "Winecup Gamble") did not oppose the motion. On June 12, 2020, Winecup Gamble filed a reply
21 to its first motion in limine. ECF No. 182. This was inadvertently filed, as replies to motions in
22 limine without leave of the court are not permitted, and Winecup Gamble subsequently motioned
23 to withdraw its reply on June 15, 2020. ECF No. 184. Accordingly, on the same day, Winecup
24 Gamble filed its motion for leave to file a reply to its first motion in limine. ECF No. 183.

25 Union Pacific indicated that it would not oppose a request by Winecup Gamble to file a
26 reply (*see* ECF No. 174 at 3); therefore, IT IS ORDERED that Winecup Gamble's motion for
27 leave to file a reply to its first motion in limine (ECF No. 183) and its motion to withdraw its reply
28 (ECF No. 184) are **DENIED as moot**, and the court will consider its reply as filed (ECF No. 182).

1 The court has reviewed the pending motions in limine and for *Daubert* hearings and hereby
2 approves oral argument upon the following at the upcoming June 25, 2020 hearing:


- 3 • Union Pacific's Fifth and Sixth Motion in Limine (ECF No. 139)
4 • Union Pacific's Seventh Motion in Limine (ECF No. 124)
5 • Winecup Gamble's First Motion in Limine (ECF No. 141)
6 • No oral argument shall be permitted on motions not listed above, and the court finds that
7 an evidentiary hearing is not required at this time.

8 Accordingly, Union Pacific's motion for a hearing schedule and evidentiary *Daubert* hearing (ECF
9 No. 137) is **GRANTED in part** and **DENIED in part**, and Winecup Gamble's motion for oral
10 argument hearing (ECF No. 180) is **GRANTED in part** and **DENIED in part**. The court approves
11 the parties' request that this hearing be held via ZOOM video conferencing, and Courtroom
12 Deputy, Katie Ogden, will provide the parties with instructions.

13 IT IS FURTHER ORDERED that the parties are to seek leave of the court before filing
14 any additional motions in limine.

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16 IT IS SO ORDERED.

17 DATED this 17th day of June, 2020.

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19 LARRY R. HICKS
20 UNITED STATES DISTRICT JUDGE
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